

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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American Institute of Physics, John Wiley &  
Sons, Inc., and Wiley Periodicals, Inc.,

Civil No. 12-528 (RHK/JJK)

Plaintiffs,

**ORDER**

v.

Schwegman, Lundberg & Woessner, P.A., and  
John Doe Nos. 1-10,

Defendants,

v.

The United States Patent and Trademark  
Office,

Intervenor Defendant.

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Before the Court are Plaintiff's Objections to United States Magistrate Judge Jeffrey J. Keyes's July 30, 2013 Report and Recommendation. The Court has conducted a de novo review of the Report and Recommendation, the Objections thereto, and all of the files, records, and proceedings in this matter. That review satisfies the undersigned that Judge Keyes's thorough and well-reasoned Report and Recommendation is fully supported by the factual record before him and controlling legal principles.

Accordingly, **IT IS ORDERED:**

1. Plaintiffs' Objections (Doc. No. 252) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 250) is **ADOPTED**;

3. Plaintiffs' Motion to Dismiss and for Summary Judgment on the Counterclaim of Intervening Defendant the United States Patent and Trademark Office (Doc. No. 93) is **DENIED AS MOOT**;

4. Plaintiffs' Amended Motion for Partial Summary Judgment Establishing the Liability of Defendant Schwegman, Lundberg & Woessner, P.A. for Copyright Infringement (Doc. No. 116) is **DENIED AS MOOT**;

5. Intervenor Defendant The United States Patent and Trademark Office's Motion for Summary Judgment on its Fair Use Defense and Counterclaim (Doc. No. 153) is **DENIED AS MOOT**;

6. Schwegman's Motion for Summary Judgment (Doc. No. 156) is **GRANTED**;

7. Plaintiffs' Motion to Exclude the Expert Witness Testimony of Jean-Pierre Dubé (Doc. No. 160) is **DENIED**;

8. Schwegman's Motion to Exclude Expert Testimony, Report, and Declaration of Randall H. Victora (Doc. No. 190) is **DENIED AS MOOT**;

9. Plaintiffs' Motion to Exclude the Proposed Expert Testimony of Douglas Gary Lichtman (Doc. No. 222) is **DENIED AS MOOT**; and

10. This Amended Complaint (Doc. No. 41) is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 30, 2013

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge